

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

<b>ERIC WILL, RICHARD COTTERMAN, and )</b>	
<b>DANIEL KUCZON, on behalf of the )</b>	
<b>General Dynamics Corporation Hourly )</b>	
<b>Savings and Stock Investment Plan, the )</b>	
<b>General Dynamics Corporation Savings and )</b>	
<b>Stock Investment Plan, and on behalf of all )</b>	
<b>others similarly situated, )</b>	<b>No: 3:06-cv-698- GPM</b>
<b>)</b>	
<b>Plaintiffs, )</b>	<b>Judge G. Patrick Murphy</b>
<b>)</b>	
<b>v. )</b>	<b>Magistrate Judge Clifford J. Proud</b>
<b>)</b>	
<b>GENERAL DYNAMICS CORPORATION, )</b>	
<b>FIDUCIARY ASSET MANAGEMENT, LLC )</b>	
<b>(f/k/a Fiduciary Asset Management )</b>	
<b>Company), and C.D. WALBRANDT, INC. )</b>	
<b>(f/k/a Fiduciary Asset Management )</b>	
<b>Company), )</b>	
<b>)</b>	
<b>Defendants.</b>	

**ORDER**

Before the Court are seven related motions: (1) plaintiffs' motion to vacate the disclosure and deposition s of "merits experts," pending ruling on the motion for class certification and receipt of defendant's discovery responses (**Doc. 72<sup>1</sup>**); (2) plaintiffs' motion to modify the pretrial schedule or, alternatively, to extend the deadline for deposing defendant (**Doc. 78**); plaintiffs' motion to compel regarding their first set of discovery requests (**Doc. 88**); plaintiffs' motion to limit the number of interrogatories (**Doc. 91**); defendant's motion to bar evidence and to compel production (**Doc. 109**); plaintiffs' motion to strike defendant's reply related to production of Witz report (**Doc. 120**); and plaintiffs' motion to determine the sufficiency of defendant's responses to First Request for Admission (**Doc. 150**).

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<sup>1</sup>This motion was just recently referred to the undersigned magistrate judge for decision.

The parties are awaiting a ruling on the motion for class certification, which will frame the proper scope of discovery. Although the parties have attempted to proceed with as much “merits discovery” as possible, at this juncture, a proper analysis of the aforementioned motions is impossible without a decision regarding class certification. The class issue appears dependant upon certain cases pending in the Court of Appeals for the Seventh Circuit. Judge Murphy has already denied a motion to stay proceedings. (**Doc. 113**). Nevertheless, Judge Murphy has authorized the stay of discovery pending resolution of the class certification motion.

**IT IS THEREFORE ORDERED** that **DISCOVERY IS STAYED**, pending ruling on class certification; this case is not stayed in any other manner.

**IT IS FURTHER ORDERED** that the aforementioned seven discovery motions (**Docs. 72, 78, 88, 91, 109, 120 and 150**) are **STRICKEN AS PREMATURE**. Upon resolution of the class certification issue, the parties should reevaluate their positions and file whatever motions remain necessary.

**IT IS SO ORDERED.**

**DATED:** January 14, 2008

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**